REMARKS

The Office Action of September 5, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-3, 9, 10, 23, 24, 28 and 47 have been amended. Claims 52-59 have been added. No new matter has been added. Claims 1-4, 6-13, 15-17, 23-25, 28, 45-48 and 51-59 remain pending upon entry of the present amendment.

Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-13, 15-17, 23-25, 28, 39, 40, and 45-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,681,115 to McKenna *et al.* (hereinafter referred to as "McKenna") in view of U.S. Patent No. 5,241,685 to Bodin *et al.* (hereinafter referred to as "Bodin"). Applicants respectfully traverse this rejection for at least the following reasons.

Amended independent claim 1 recites, *inter alia*, "determining a number of active terminals in an area based on data derived from a second wireless network; determining whether the number of active terminals meets a predefined threshold; in response to determining that the number of active terminals meets the predefined threshold selecting content for delivery through a first wireless network based on a pattern of usage associated with one or more active terminals in the area. McKenna fails to disclose at least the feature of selecting content for delivery through a first wireless network *based on a pattern of usage* associated with one or more active terminals in the area.

For example, McKenna discloses providing traffic status information to subscribers traveling down a North-South oriented highway or subscribers leaving an entertainment complex based on their location and movement. See col. 28, lines 17-39. McKenna initially groups content stored in a database (see col. 25, line 60-col. 26 line 25) and later selects content based on presence of subscribers, presence of external events, and movement of the subscribers from cell to cell, and content available (see col. 28, lines 40-60). However, McKenna does not disclose that the selection of content is based on a *pattern of usage* associated with one or more active terminals in the area.

In another example, McKenna discloses enabling an administrator to associate each registered wireless subscriber communication device with a user profile that defines the user, conference attended, associated coverage areas, and the like. See col. 31, lines 21-50. However, even in this scenario, content selection is not based on a pattern of usage associated with one or more active terminals, but by the system administrator who can assign a content stream to the area. See col. 32, line 23-32. McKenna discloses that this information is used in relationship with *dynamic configuration of narrowcast coverage areas* and fails to disclose that information is used to select the content, but even if this information was used to select content, McKenna still fails to disclose that user profile, conference attended, associated coverage, and the like include a pattern of usage associated with one or more active terminals in the area.

Accordingly, McKenna fails to disclose at least the feature of selecting content for delivery based on a pattern of usage associated with one or more active terminals in the area. Bodin does not cure the deficiencies of McKenna. As such, claim 1 is allowable.

Amended independent claim 9 recites features similar to those described above with respect to claim 1. Thus, claim 9 is allowable for at least the same reasons as claim 1.

The dependent claims, by virtue of depending from at least one of the allowable independent claims, are allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

For example, claim 4 calls for, *inter alia*, the threshold being defined based on a type of location associated with the area. The Office Action, at page 5, alleges that McKenna discloses such a feature at col. 27 line 60 – col. 28, line 60. Applicants respectfully disagree. The Office Action states that McKenna discloses "the number of active terminals based on location associate[d] with the area (see col. 27 line 60- column 28, line 60)." However, claim 4 teaches that the predefined threshold value is based on the *type* of location associated with the area. At best, McKenna discloses a system based on the presence of subscribers, presence of external events and the movement of the subscribers wholly distinct from the concept of basing the threshold on the type of location. See McKenna, col. 28, line 47-49. For example, in relationship to the entertainment complex, McKenna provides information relating to the outflow of traffic from the entertainment complex and further describes that as the traffic propagates outward from the entertainment complex, the communiqué system can reconfigure the coverage areas. Next, McKenna discloses that in response to the dispersion of the traffic and, for example, once the

complex has emptied, coverage can be dropped. Nonetheless, <u>McKenna</u> fails to teach or suggest that a predefined threshold is based on the *type* of location as it bases adaptation on presence of users, movement of the users, and the presence of external events. Furthermore, <u>Bodin</u> fails to cure the deficiency of <u>McKenna</u> at least with respect to this feature. Therefore, notwithstanding the validity of the asserted combination of <u>McKenna</u> and <u>Bodin</u>, the asserted combination fails to teach or suggest all of the features of claim 4. As such, claim 4 is allowable for this additional reason.

New Claims 52-59

Independent claims 52 and 55 recite features similar to those described above with respect to claim 1. Thus, the claims 52 and 55 are allowable for at least the same reasons as claim 1.

Claims that depend off of independent claims 52 and 55 are allowable for at least the same reasons as claims 52 and 55, respectively.

Claim 58 and 59 depend on claim 1 and are thus allowable for at least the same reasons as claim 1 and in further view of the additional novel and non-obvious features recited therein.

For example, claim 58 recites, *inter alia*, identifying that a hot-spot exists in response to determining that the number of active terminals meets the predefined threshold and storing information about the identified hot spot. Neither <u>McKenna</u> nor <u>Bodin</u>, either separately or in combination, teaches or suggests such a feature. Accordingly, claim 58 is allowable for this additional reason.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional required fees are or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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Date: ___December 5, 2007___   By: ___/Chunhsi Andy Mu/___

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